



Agenda

RACIAL JUSTICE TASK FORCE

March 7, 2017
1:00 p.m. to 3:30 p.m.
30 Muir Road,
Martinez

Agenda Items:

1. **1:00-1:05 Introductions**
2. **1:05-1:10 Meeting Objectives**
3. **1:10-1:15 Approval of the Meeting Minutes (Action Item)**
4. **1:15-1:20 Public Comment** on any item under the jurisdiction of the Task Force and not on this agenda.
(Speakers may be limited to three minutes.)
5. **1:20-1:50 Community Forums (Discussion)**
6. **1:50-2:30 Review of Criminal Justice System Best Practices and Local Practices (Presentation and Discussion)**
7. **2:30-3:20 Recommendations (Presentation and Discussion)**
8. **3:20-3:30 Next Steps**
9. **3:30 Adjourn**

☺ The Office of Reentry & Justice will provide reasonable accommodations for persons with disabilities planning to attend Racial Justice Task Force meetings. Contact the person listed below at least 72 hours before the meeting.

📁 Any disclosable public records related to an item on a regular meeting agenda and distributed by the County to a majority of members of the Racial Justice Task Force less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

✉ Public comment may be submitted via electronic mail on agenda items at least one full workday prior to the published meeting time.

For Additional Information Contact:

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Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
ARRA	American Recovery and Reinvestment Act	Lamorinda	Lafayette-Moraga-Orinda Area
BAAQMD	Bay Area Air Quality Management District	LAFCo	Local Agency Formation Commission
BART	Bay Area Rapid Transit District	LLC	Limited Liability Company
BCDC	Bay Conservation & Development Commission	LLP	Limited Liability Partnership
BGO	Better Government Ordinance	Local 1	Public Employees Union Local 1
BOS	Board of Supervisors	LVN	Licensed Vocational Nurse
CALTRANS	California Department of Transportation	MAC	Municipal Advisory Council
CalWIN	California Works Information Network	MBE	Minority Business Enterprise
CalWORKS	California Work Opportunity and Responsibility to Kids	M.D.	Medical Doctor
CAER	Community Awareness Emergency Response	M.F.T.	Marriage and Family Therapist
CAO	County Administrative Officer or Office	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	Contra Costa Consolidated Fire District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
EIR	Environmental Impact Report	SB	Senate Bill
EIS	Environmental Impact Statement	SBE	Small Business Enterprise
EMCC	Emergency Medical Care Committee	SWAT	Southwest Area Transportation Committee
EMS	Emergency Medical Services	TRANSPAC	Transportation Partnership & Cooperation (Central)
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	TRANSPLAN	Transportation Planning Committee (East County)
et al.	et ali (and others)	TRE or TTE	Trustee
FAA	Federal Aviation Administration	TWIC	Transportation, Water and Infrastructure Committee
FEMA	Federal Emergency Management Agency	UCC	Urban Counties Caucus
F&HS	Family and Human Services Committee	VA	Department of Veterans Affairs
First 5	First Five Children and Families Commission (Proposition 10)	vs.	versus (against)
FTE	Full Time Equivalent	WAN	Wide Area Network
FY	Fiscal Year	WBE	Women Business Enterprise
GHAD	Geologic Hazard Abatement District	WCCTAC	West Contra Costa Transportation Advisory Committee
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		

Schedule of Upcoming Meetings



Racial Justice Task Force Kickoff Meeting Minutes

Racial Justice Task Force Members

2.14.18

Member	In Attendance
1. Todd Billeci, Chief Probation Officer	Present
2. Debra Mason, Mount Diablo Unified School District (MDUSD)	Present
3. Robin Lipetzky, Public Defender	Present
4. Dennisha Marsh, First Five CCC, City of Pittsburg Community Advisory Council	Present
5. Venus Johnson, Deputy District Attorney	Present*
6. Magda Lopez, Director of Court Programs and Services	Present
7. Harlan Grossman, Government Alliance of Race & Equity (GARE)	Present
8. John Lowden, Contra Costa County Sherriff's Office	Present
9. Dr. Christine Gerchow, Psychologist at Juvenile Hall Martinez	Present
10. Stephanie Medley, RYSE & AB109 CAB	Present
11. Marcus Walton, Director of Communications West Contra Costa Unified School District	Not Present
12. Bisa French, Assistant Chief at Richmond Police Department	Present
13. Dr. Cardenas Shackelford, Coordinator Student Intervention and Support, Antioch Unified School District	Not Present
14. Tamisha Walker, Founder & Director Safe Return Project	Not Present
15. Pastor Donnell Jones, Richmond Ceasefire	Not Present
16. Reverend Leslie Takahashi, Mt. Diablo Universalist Church	Present
17. Dr. William Walker, Health Services Director	Not Present

**Note: Venus Johnson has officially replaced Assistant district Attorney Tom Kensok*

Resource Development Associates

- Mikaela Rabinowitz
- David Muhammad
- Jasmine Laroche

Public Attendees

- Judith Tannenbaum
- Allison Pruitt
- Chris Broglio
- Doug Leich
- Cheryl Sudduth



Meeting Notes

- I. Introductions
- II. Meeting Objectives
 - RDA will review the project timeline, inform task force members of tentative plans to prepare for community forums, review local criminal justice data, and drivers of disparities.
- III. Approval of Meeting Minutes
 - January meeting minutes were approved with revisions and abstentions from Magda Lopez, Dennisha Marsh, and Stephanie Medley.
- IV. Public Comment (items not on the agenda)
 - The Racial Justice Coalition supports the recommendations for diversion programs and the creation of a restorative justice work group throughout the county.
 - No other public comments.
- V. Planning for Community Forums
 - Community forms will be held in May and community members will be given the opportunity to provide feedback on the preliminary recommendations presented at the forums. Task force members will finalize recommendations after community feedback.
 - Task force members were concerned with not having enough time to respond to community member feedback in order to appropriately finalize recommendations.
 - Task force members requested the project timeline be extended if need be.
 - **RDA will follow up with the County about the possibility of extending the project timeline.**
 - **Leslie Takahashi, Stephanie Medley (limited availability) and Harlan Grossman volunteered to join the Community Forum committee**
- VI. Review of Criminal Justice Data
 - RDA presented national arrest data, aggregate level court data, individual data from the Public Defender's office, and custodial data from the Sheriff's office.
 - RDA clarified that the data presented does not take into account the population from the previous decision making decision. This is a flaw of the data given that this data is not publically available to calculate the relative rate index.
 - Task force member shared that Richmond PD has an in house DA to determine what cases are chargeable before sending to the DA.
 - RDA highlighted that disparities are largely found at the decision to charge and pre-trial detention phase within the criminal justice system.
 - Task force members raised the discussion around charging enhancements and how that can exacerbate disparities.
 - Public Comment:



Contra Costa County

Racial Justice Task Force—Meeting #12 Notes

- RJC members would like to see up to date data across all decision points to better discern disparities at each point within the system.
- RJC members would also like to understand “the why” behind the disparities.
- RJC members also would like to know what charging enhancements are most commonly used within Contra Costa County.

VII. Data Gaps and Reasons for Disparities

- Task force member attention to the fact that clients that are kept in pre-trial jail are more likely to plead their case to get out of jail rather than take their case to trial.
- Several factors, such as juries and judges, can contribute to disparities.
- **Task force member requested that the task force include county wide diversion programs as a recommendation and to keep a list of data gaps**
- Task force member explained Contra Costa County’s jury selection process. Previously, the county would select jurors regionally where the case was being held, but now presently jurors can be summoned from anywhere within the region and they are requested for duty at the court in Martinez. This poses as a challenge for those with limited access to transportation and other socioeconomic factors. The jury pool presently is disproportionately white.
- Task force member also raised the need for more support services, such as text reminders, child care support, etc., for those that are released pre-trial to ensure that they can make to their next court appearance.
- Public Comment:
 - RJC member requested clarification around how the decision to change the jury selection process was made.
 - RJC member requested if AB109 funds can fund supportive services for people that have been released pre-trial.
- **Task force member requested to review AB109 budget, Office of Reentry and Justice stated that they would share this report.**

VIII. Next Steps

- **RDA will present preliminary recommendations and best practices for reducing racial disparities in the criminal justice system at the next meeting.**



RACIAL JUSTICE TASK FORCE

Resource Development Associates




March 7, 2018

Agenda

- Introductions
- Meeting Minutes
- Community Forums
- Best Practices and Recommendations
- Next Steps




Introductions




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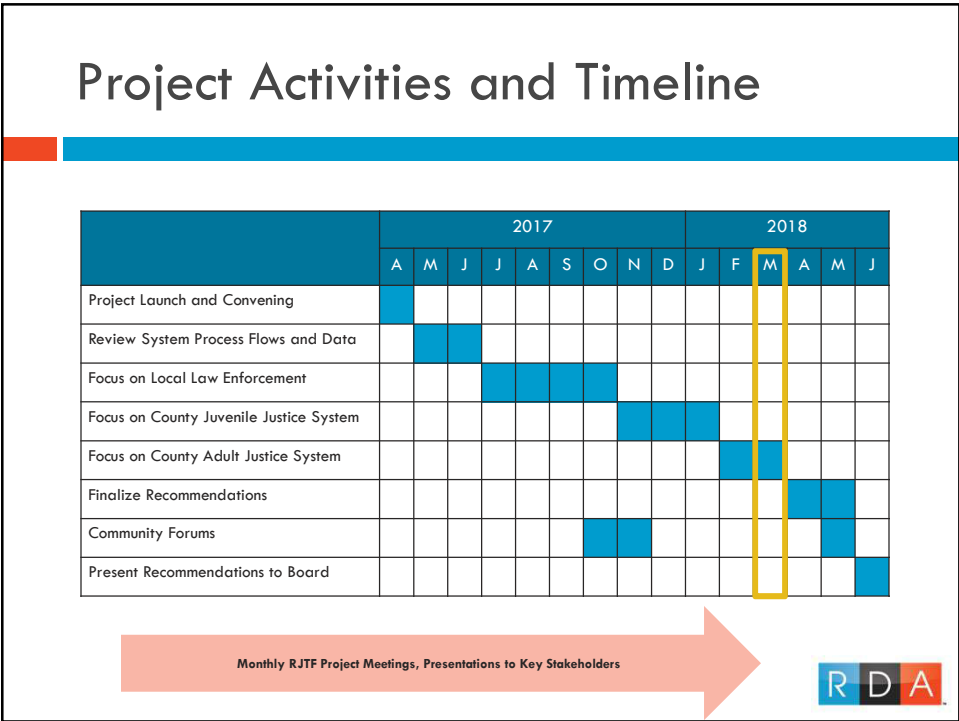
Meeting Minutes



5

Public Comment





Community Forum Round 2

7

Purpose:

Present Task Force recommendations to community members, solicit feedback



Timeline:

May 2018



Next Steps:

Workgroup

Agenda

Outreach



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Best & Local Practices

- Diversion
- Bail, Pre-trial Detention and Pre-trial Release
- Charging and Enhancements
- Reentry Programming
- Jury Selection



Diversion



Best Practices: Diversion

Program Types

- Deferred adjudication: Requires individuals to first plead guilty to charge
- Pretrial Diversion: Does not require a guilty plea
 - Restorative and participatory justice models such as Common Justice in Brooklyn can be established

Eligibility Criteria & Program Participation

- Typically offered for drug or domestic offenses or for first, non-serious criminal offense
 - Limiting diversion for people without criminal records can lead to disparities in who gets diverted – such diversion programs can often lead to “net-widening”
- Some jurisdictions do offer diversion for more serious crimes
- Participation is voluntary and free
- Upon successful completion of conditions, charges are dismissed

Referral & Completion

- Supervision and services do not last longer than 18 months
- Services should be tied to specific issue(s) related to criminal case or needs
- Referrals may be provided for housing, employment, public benefits, and other key services such as mental health and substance use services, if necessary
- Case management may also be included



Current Practices in Contra Costa County

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DA's Office Diversion Program

- Bad Check Diversion Restitution Program is designed to assist local merchants with bad check losses.
- People who write bad checks of up to \$5000 are given the opportunity to avoid criminal prosecution by attending a mandatory intervention class, in addition to pay restitution. Individuals are only eligible on their first offense.

Specialty Courts

- Community Court is a court-alternative program operated by private law firm to give individuals arrested or cited for low level misdemeanor offenses or infractions an opportunity to resolve their matter outside the traditional court system. There is a \$100 fee to participate.
- Behavioral Health Court is a program for chronically mentally ill individuals with co-occurring disorders that can opt in rather than incarceration. Clients receive intensive clinical case management, mental health treatment, monitoring, and supervision.



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Bail, Pre-trial Detention, and Pretrial Release



Best Practices: Bail Reform

Jurisdictions should shift from a money-based system to a risk-based system that is more objective. Jurisdictions should:

- ❑ Require use of a validated risk assessment to make objective determinations
- ❑ Make release and detention decisions early to allow for prompt release and detention determinations
- ❑ Establish a robust pretrial services agency or unit that can provide alternatives to detention that mitigate risk
- ❑ Implement a performance management system that supports data collection and analysis
- ❑ Provide on-going training to key players in the justice system regarding pretrial release and supervision.
- ❑ Mandate the presence of attorney of a defendant at the initial appearance



Best Practices: Pre-trial Release

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Risk Assessment

- Jurisdictions should use a validated risk-based assessment to determine the level of risk for re-offense and/or flight.

Release

- Low risk individuals should sparingly have release conditions (unless it is mental health treatment) including alternatives to pretrial detention. They should be released on their own recognizance.
- Moderate-higher risk individuals should be issued alternatives to pretrial detention with conditions. Conditions and interventions should match risk.

Supervision

- Supervision intensity of individuals should be determined based on risk of flight or re-offense.
- Individuals should be connected to services such as employment services and medical care.



Current Practices in Contra Costa County

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Pretrial Services (PTS)

- Collaboration between the Public Defender, DA, Probation, and the Court to reduce the pretrial custody population.
- Paralegals screen all eligible individuals scheduled for arraignment, qualifying clients are assessed for risk utilizing a validated assessment tool
- Individuals released are supervised by Probation until case conclusion
- Ineligible offenses include domestic violence, violent charges, specific sex-related charges, DUIs, and charges that carry life sentences.

Arraignment Court Early Representation (ACER)

- Ensures the presence of attorneys at defendants' initial court appearances and is intended to increase the likelihood that appropriate defendants will be released on their own recognizance (OR) for the duration of the court process and allow for the expedited resolution of cases.



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Charging and Enhancements



Best Practices: Charging & Enhancements

- Enhancements increase disparities in sentencing:
 - ▣ San Francisco DA and Brooklyn DA limit use of “habitual offender” enhancements to reduce disparities
- Limit use of enhancements



Current Practices in Contra Costa County

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- No clearly established policies on charging practices or enhancements



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In-Custody Programming



Best Practices: In-Custody Programming

Pre-release planning

- Basic screenings should be conducted at intake, and more thorough assessments should be conducted based on initial screenings
- Each individual should receive case management services and work with case managers to develop an individualized case plan to help meet their needs while they are in custody, reduce their criminogenic risks, and make smooth handoffs to out of custody services upon release
- Probation officers should meet with client while they are in custody, prior to their release

Array of Services

- In-custody programming should include physical health, mental health, substance use, education, and employment services as well as other services such as Cognitive Behavioral Therapy, benefits enrollment, family reunification, and legal services, among others.
- Programming should include gender-specific programming and be culturally appropriate

Custody Alternatives

- Alternatives to detention should be provided to all individuals who pose minimum risk to public safety



Current Practices in Contra Costa County

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- Pre-release planning pilot currently underway
- The availability of in-custody programming varies across facilities
 - ▣ Space and time constraints limit access to programs and services across facilities, especially at Martinez Detention Facility
- Custody Alternative Facility allows individuals who are low risk to public safety to be released from custody and supervised by deputy officers from the Sheriff's Office.



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Reentry Programming



Best Practices: Reentry Programming

Collaborative Partnerships

- Jurisdictions should establish formal, structured partnerships with high-quality programs using evidence based practices and practice based best practices.
- Structured partnerships should address needs such as: education, employment, housing, substance abuse treatment, physical/mental health, trauma, legal aid, transportation, and others.

Co-location of Probation and Community Services

- Community-based services – including CBOs and County health and human services –should have locations within probation departments and other criminal justice agencies.
- Probation officers should be situated in community-based locations to increase accessibility for clients.

Community Involvement

- Jurisdictions should cultivate community resources and collaborate with community members to develop community-based continuums of care.
- Community stakeholder groups or advisory panels should be established to learn from and inform the community about the challenges and opportunities that exist in home communities.
- Mandated community correctional supervision should be limited in scope and time and be focused on individuals assessed as high-risk.



Current Practices in Contra Costa County

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Supervision and Service Delivery

- Supervision for adults does not exceed 18 months
- AB 109 and other funding support community-based services for individuals involved in the justice system
- The East/Central County Reentry Network links individuals to services in the community
- The West County Reentry Center is a “one-stop” location for reentry services
- Services include housing assistance, mentoring, public benefits, legal services, mental health and substance use services, education, and more.

Collaborative Efforts

- The County engages community in regular planning processes. Currently, there is a strategic reentry planning process to update the reentry strategic plan
- CCC was the first county to implement a Community Advisory Board to provide input on community needs and offer recommendations. CAB is comprised of 12 members with subject expertise including behavioral health, workforce development, domestic violence prevention, law, and post-release reentry services.



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Jury Selection



Best Practices: Jury Selection

Master Jury Lists

- Courts should construct a master list of eligible jury members that are **geographically and demographically** representative of the community
- Courts should rely on **multiple source lists** including lists such as persons receiving unemployment and/or public welfare benefits
- Master jury lists should include at least 85% of the jury-eligible population and updated every 1-6 months

Other Strategies

- Addressing non-responsive jurors through effective enforcement
- Minimizing the length of time jurors serve
- Increasing compensation



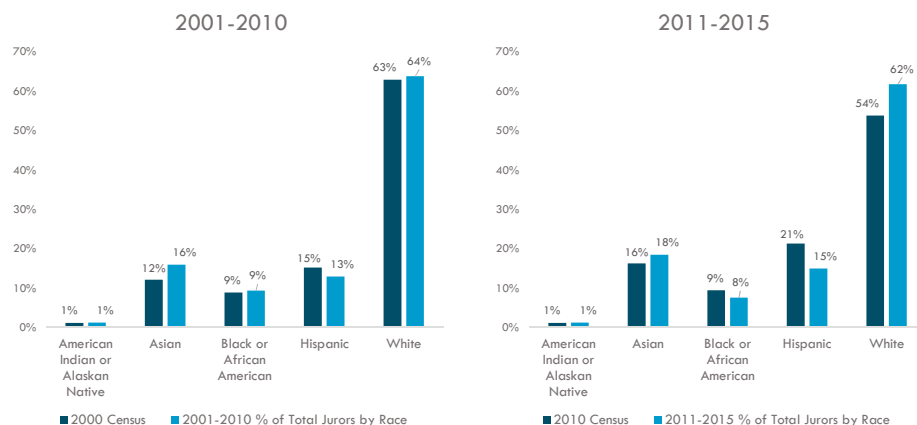
Current Practices in Contra Costa County

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- In 2010, Contra Costa County shifted from regional jury pools and felony trials to a county-wide jury pool with all felony trials taking place in Martinez
- The County jury pool combines registered voters, and people with DMV-issued driver's licenses or identification cards
- One day/One Trial system is used to reduce days of jury duty



Race/ethnicity of jurors vs. County population

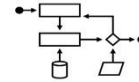


Proposed Recommendations

- Diversion
- Bail and Pre-trial Release
- Charging and Enhancements
- In Custody Programming
- Reentry Programming



Recommendations: Diversion



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- The Public Defender's Office, the DA's Office, and ORJ should establish criteria for diversion programs, with a focus on those offenses with greatest racial disparity.
 - The County should not uniformly bar individuals with prior justice system contact from diversion programs.
- The Public Defender's Office, DA's Office, and ORJ should establish formal partnerships with CBOs to provide diversion programs & services for adults.
 - All diversion programs should be offered free of charge.
- ORJ should support analysis of diversion programs to measure efficacy and assess impact on racial disparities.



Recommendations: Bail and Pre-trial Release

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- Contra Costa County should convene a working group to explore options for eliminating cash bail. The Court, Public Defender, District Attorney, ORJ, and Probation should all participate.
- Probation, the DA's Office, the Public Defender, and the Court should expand eligibility for PTS, with a focus on reducing racial disparities.
- ORJ, Probation, the DA's Office, the Public Defender's Office, and the Court should establish formal partnerships with community based organizations to provide detention alternatives like community based cased managers.
- ORJ, Probation, and the Court should support data collection and analysis of PTS and detention alternatives to measure efficacy and assess impact on racial disparities.



Recommendations: Charging & Enhancements

- The Contra Costa County DA's, Public Defender, Court, and ORJ should establish a set of circumstances in which the DA's Office will not seek sentence enhancements.



Recommendations: In-Custody Programming

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- Contra Costa County should expand its pre-release pilot to serve all individuals in custody.
- Contra Costa County should focus on increasing access to in-custody programming for individuals incarcerated in Contra Costa County, especially Martinez Detention Facility.
- Once the Reentry Strategic Plan is complete, the County should prioritize those recommendations that specifically address racial disparities.



Recommendations: Reentry Programming

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- ORJ, Probation, the DA's Office, the Public Defender's Office, and the Court should continue to formalize partnerships with high-quality programs rooted in communities.
- Contra Costa should establish community stakeholder groups or advisory panels to learn from and inform the community about the challenges and opportunities that exist in home communities.
- Once the Reentry Strategic Plan is complete, the County should prioritize those recommendations that specifically address racial disparities.



Recommendations: Jury Selection

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- Contra Costa County should return to a regionalized felony trial court system.
- Contra Costa County should return to a regionalized jury selection process.



Upcoming Meetings

- Review and prioritize all recommendations
- Review community input
- Finalize recommendations





Contra Costa County
Racial Justice Task Force: Fact Sheets

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Diversion

Individuals charged with certain types of offenses may qualify for programs that result in the dismissal of their case upon completion of specified conditions.^{i ii} These programs are referred to by several different names, and are typically operated through the District Attorney's Office or the Superior Court.

Program Types

Some diversion programs require individuals to first plead guilty to a charge; these are typically referred to as deferred adjudication. When individuals fail to meet the specified conditions of a deferred adjudication program, the court enters its judgment and sentence. Diversion programs that do not require a guilty plea are generally known as pretrial diversion. These programs are often also referred to as deferred prosecution, pretrial intervention, accelerated pretrial rehabilitation, and accelerated rehabilitative disposition programs. In pretrial diversion programs, if individuals fail to meet the conditions of their program, these cases must be reprocessed because there was no prior guilty plea entered.ⁱⁱⁱ

Eligibility Criteria and Program Participation

All diversion programs have established criteria to determine which individuals are eligible to participate in the program,^{iv} and typically pretrial diversion programs are offered for individuals who are charged with drug or domestic offenses, or for individuals committing a first, non-serious criminal offense, in some cases, a felony offense.^{v vi} Laws generally require that participation in diversion is voluntary and that individuals have access to counsel prior to making the decision to participate.^{vii} Upon successful completion of specified conditions in all pretrial diversion programs, individuals have their charges dismissed.^{viii ix}

Referral and Completion Process

All diversion programs result in some type of pretrial diversion that removes individuals from traditional criminal justice processing and places them into a program of supervision and services that last no longer than 18 months.^x Typically these programs provide services on issues related to a case such as substance abuse, anger management, domestic violence, or parenting; ideally programs also provide case management and referrals for services such as housing, education, employment, public benefits, and other key services such as mental health and substance use services, if necessary.

Diversion Program Examples

The Choice is Yours, Court Diversion Program in Philadelphia, PA^{xi}

The Choice is Yours (TCY) is a yearlong diversion program overseen by the Court for first time, nonviolent felony drug dealers facing one- to two-year minimum mandatory state prison sentences in Philadelphia, PA. TCY diverts individuals into TCY court (essentially a problem-solving Philadelphia Municipal Court featuring a dedicated judge who has repeated contact with program participants to



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monitor their progress and motivate compliance using rewards and sanctions) and a suite of community-based social services and supports directed by JEVS Human Services (JEVS) and their partner agencies, the Pennsylvania Prison Society (PPS) and the Center for Literacy (CFL). Other key partners include the District Attorney's Office and Public Defender's Office who vet eligibility and send a letter or make a phone call to inform clients of their eligibility in TCY respectively.

"The Philadelphia TCY model is informed by promising practices and past research on alternative sentencing programs and reentry across the country that have established links among education, employment, and reduced recidivism. In addition to educational and employment services, the TCY pilot incorporates such promising strategies and supports such as case management; mentoring; and assistance with housing, child support, public benefits, and other key services. The program also entails participation in some restorative justice activities and the obligation to complete a specified amount of community service."^{xii}

The San Francisco Pretrial Diversion Project^{xiii}

The San Francisco Pretrial Diversion Project (SFPDP) was established in 1976 through the joint efforts of a group of socially conscious citizens, the San Francisco Bar Association, and the Judges of the Municipal Courts. Currently SFPDP. The mission of the project is to facilitate, within various communities, positive and effective alternatives to fines, criminal prosecution, and detention. This mission is shaped around the belief, and research, demonstrating that individuals charged with lower level misdemeanor offenses do not benefit from time in custody. Rather, the goals of crime prevention and rehabilitation are better served by a program of rehabilitation, education, and community service work.

SFPDP provides first-time misdemeanor offenders of non-violent charges with the opportunity to have their case dismissed by completing a program of rehabilitation, education, and community service work. Upon the successful completion of specified terms, including participation in specific programming, individual in the pretrial diversion program have their cases dismissed.

Diversion Programs in Contra Costa County

District Attorney's Office Diversion Program in Contra Costa County, CA

Contra Costa County has implemented a Bad Check Diversion Restitution Program to assist local merchants with bad check losses. The primary goal of the program is to obtain full restitution for the victim without adding to the financial burden of the criminal justice system. In an effort to combat this problem, first time bad check offenders are given the opportunity to avoid criminal prosecution by attending a mandatory intervention class, in addition to paying restitution.^{xiv} Individuals are eligible for this program if:

- ❖ The amount of the check is no more than \$5,000 (or multiple checks not exceeding this limit, there are no minimum dollar restrictions)
- ❖ The check was received in Contra Costa County, deposited in a bank in exchange for goods or services and was presumed good at the time of acceptance



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- ❖ A courtesy notice was sent to the check writer allowing 10 days to make the check good
- ❖ The check is submitted to the program within 90 days from the date on the check
- ❖ A photo I.D. (driver's license, military I.D., state I.D., etc.) was recorded at the time of the transaction.^{xv}

Community Courts in Contra Costa County^{xvi}

Community Court is a voluntary court-alternative program designed to give individuals arrested or cited for specific low level misdemeanor offenses or infractions such as petty theft, public intoxication, vandalism, and minor accidental non-injury vehicle hit-and-run collisions in their jurisdictions an opportunity to resolve their matter outside the traditional court system. The community court, which operates in the cities of Walnut Creek, Concord, Pittsburg, and San Ramon is run by a third party for-profit law firm and charges individuals a \$100 fee to participate in an alternative hearing, in which the hearing officer specifies the conditions under which formal charges will not be brought against an individual; these conditions typically include paying a fine or restitution, performing community service, and/or attending counseling. Individuals who successfully complete these conditions do not have formal charges files against them, although in most cases the arrest is not removed from the participant's record.



Bail Reform, Pretrial Detention, and Pretrial Release

The detention of un-sentenced individuals is one of the drivers of California's growth of jail population^{xvii}. According to the Board of State and Community Corrections, approximately two-thirds of California's average daily jail population (about 48,000 individuals) are non-sentenced. The increasing rates of detained yet un-sentenced individuals can be attributed to the inherently inequitable role the bail system has in the pretrial phase. California's bail system heavily relies on a defendant's financial ability to post bond rather than the defendant's risk to the community or flight. A money-based system that determines a defendant's release status is both inequitable and risky as high-risk defendants with financial ability can post bail and be released, while low-risk defendants who pose a low likelihood of pretrial misconduct are unnecessarily incarcerated^{xviii}.

Studies have indicated bias in the pretrial release decision-making process as they have shown that African Americans are less likely to be released than their white counterparts and receive higher bail amounts. Outcomes are also worse for those who are detained during pretrial as judges are more likely to impose harsher punishments than those who were released during pretrial^{xix} as well defendant's likelihood of accept a plea deal regardless of innocence, increases. Additionally, the social and economic costs of incarceration disproportionately impact low income individuals as incarceration creates a disruption in economic and social activities that can jeopardize employment, homes, and families. The dependency on a defendant's financial ability to post bail rises socioeconomic issues associated with the pretrial process and further perpetuates racial disparities within the criminal justice system.

Jurisdictions should focus on improving pretrial decision-making processes such as bail system reform and/ or expand evidence-based pretrial programs and services that effectively identify low risk defendants for pretrial release, conditional release, or supervision. Such changes can reduce the un-sentenced, detained population, relieving capacity challenges, as well as address racial disparities found across the justice system.

Bail Reform

One of the core principals of bail system reform is that pretrial release determinations should be based on risk rather than financial ability to post bond. By shifting from a money-based system to a risk-based system that is more objective, the pretrial process will lead to a more equitable treatment of low-income individuals and alleviate any disparate impacts of the bail system. Jurisdictions across the state are making this shift to ensure low-risk, non-violent and low-income defendants have equal opportunity to a pretrial release.

To improve pre-trial decision-making and minimize or eliminate the use of bail, jurisdictions should:

- Require use of a validated risk assessment to make individualized determinations for release decisions^{xx}
- Make release and detention decisions early in the pretrial process to allow for prompt release and detention decision-making^{xxi}



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Racial Justice Task Force: Fact Sheets

- Establish a robust pretrial services agency or unit that can provide non-detention based alternatives such as supervision and community based services to ensure court appearance and public safety
- Implement a performance management system that supports data collection and analysis to ensure a fair and effective process^{xxii}
- Provide on-going training to judges, court staff and others in the justice system regarding the implementation of pretrial release and supervision.
- Mandate the presence of attorney of a defendant at the initial appearance

Bail Reform Examples

Santa Clara County

Due to its high rates of un-sentenced detainees in county jail, Santa Clara County Board of Supervisors approved a plan to reform its bail system set forth by recommendations drafted from the Bail and Release Workgroup. In response, the County of Santa Clara launched the “No Cost Release” initiative, a campaign that aims to educate the public about free alternatives to bail in multiple languages^{xxiii}. Santa Clara County also created a nonprofit bail fund to post bonds for defendants who do not have the financial resources to do. The ultimate goal of the No Cost Release initiative is to increase equity for low income and homeless individuals.

While in-custody, defendants can meet with Own Recognizance and Pretrial Staff from the Office of Pretrial Services to discuss eligibility for pretrial release without bail or no-cost release options. These options include:

- Own Recognizance (OR)
- Supervised Own Recognizance (SORP): Release under the supervision of a pretrial officer
- Self-Surrender Program

New Jersey State

In 2017, the Bail Reform and Speedy Trial Act rolled out in the State of New Jersey to reduce the system’s dependency on the bail system. The bill mandates the establishment and utilization of a validated risk assessment tool to screen defendants for their risk of committing another crime or failing to appear in court^{xxiv}. More specifically, it:

- Transformed process for pretrial release decision-making
- Implemented pretrial monitoring through the newly-formed Pretrial Services Program
- Created procedures and tools needed to enforce the speedy trial timeframes established by the statute
- Developed technological solutions such as automation and rapid electronic dissemination of information to efficiently process criminal cases in the state^{xxv}

While monetary bail is not abolished, the bill requires risk-based determinations. Steps taken by the State of New Jersey to ensure successful implementation and outcomes of the bill include creating the





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Pretrial Services Program. The program runs with judges and staff available 24 hours per day, 7 days a week with judges and staff. Staff are responsible for providing support for hearings and managing caseloads and monitoring defendants who are issued conditions of release.

By utilizing a risk measurement and risk management model, judges can make objective and informed release determinations. Since this law went into effect, the pretrial jail population has experienced a 20% decrease and only issued 44 defendants eligible to post monetary bail in its first year^{xxvi}.

Pretrial Detention Alternatives

A goal of pretrial services and programs is ensuring defendants are released under the least restrictive conditions while considering the preservation of public safety and likelihood of court appearance. Jurisdictions should utilize an evidence-based pretrial risk assessment tool to evaluate eligibility of alternatives to pretrial detention to ensure defendant success and reduce unnecessary detention while maintaining public safety.

- **Low risk** individuals should sparingly be required (unless it is treatment such as mental health) to have release conditions including alternatives to pretrial detention. As studies have shown, release conditions generally decrease the likelihood of success pending trial for lower-risk defendants and are most appropriate for moderate to higher-risk defendants.^{xxvii} Low-risk defendants should be released on their own recognizance.
- **Moderate-higher-risk** individuals should receive pretrial detention alternatives when a specific risk of pretrial failure is presented and can be addressed by a specific alternative. Moderate to higher risk individuals are most appropriate for alternatives to pretrial detention with conditions as the likelihood of pretrial failure is minimized through participation in pretrial programs and services.^{xxviii} Conditions and interventions should match risk and be evidence-based. Pretrial services should assist individuals with appearing for court, which may also can be done through phone reminders and meetings with pretrial staff.

Pretrial Risk Assessment

Jurisdictions should utilize a robust validated pretrial risk-based assessment as it inputs variables that are statistically significant in predicting the likelihood of a defendant committing another crime and/or failing to appear in court.

Pretrial risk assessment tools consider a number of factors to determine the level of risk for re-offense and/or flight. Each factor is assigned a point value, and the total number of points for each individual translates into a risk level (typically low, moderate, or high). Some of the factors that are typically related to pretrial risk include:

- Criminal history;
- History of drug abuse;
- Employment history;



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- Prior failures to appear;
- Substance abuse; and,
- Transportation.

There are a number of pretrial risk assessment tools used across the United States. Research demonstrates that factors related to pretrial risk can vary across jurisdictions, and that each jurisdiction should conduct a local analysis when adopting a tool in order to determine its reliability. As such, any tool utilized should be empirically based and validated locally.

The Arnold Foundation has developed the Public Safety Assessment (PSA) to assess pretrial risk for flight and re-offense without an in-person interview.^{xxx} Judges can use this tool to make determinations around pretrial release. The PSA does not require an in-person interview, and was developed and validated using data from jurisdictions across the United States. Therefore, this tool can be used across jurisdictions.^{xxx}

Pretrial Supervision

Based on a defendant's risk score, pretrial release supervision can be issued. Defendants on supervised release are assigned conditions based on risk level^{xxxi}. Judges may issue release with conditions to allow defendants to maintain employment and avoid other social costs^{xxxii}. It is important to note that pretrial supervision is not voluntary and does not require the defendant to admit guilt. Conditions include but may not be limited to:

- Monthly phone calls
- Face-to-face contacts
- Mental health treatment & services
- Substance abuse treatment & services including drug screening¹
- Electronic/ GPS Monitoring
- Home Confinement
- Travel or association restriction

Supervision intensity of individuals released pretrial should be determined based on risk of flight or re-offense.^{xxxiii}

- Low risk individuals should receive passive supervision or no supervision at all. This might include period reviews of their terms of their release to identify changes in eligibility, such as changes in employment status.

¹ Jurisdictions should take caution assigning drug testing as a condition of supervision because over-testing can result in program failure due to missed appointments. Data on violations should be closely monitored to determine if the program contributes to supervision failure. (<http://www.courts.ca.gov/documents/PretrialSummit2015-6EffectivePretrialProgram.pdf>)



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- Moderate risk individuals should receive active supervision and meet with probation officers less often than high risk individuals.
- Higher risk individuals should receive active supervision and meet with probation officer regularly, either weekly or bi-weekly. This includes court reminders, electronic monitoring, and/or home confinement.

To the extent possible, supervisors should connect individuals released pretrial to services such as employment services and medical care, but their release should not be conditioned on these services unless it can be shown that they are reasonably related to their likelihood of flight and/or re-arrest. Clients who perform well under pretrial supervision should be rewarded with reduced office visits and lessened sanctions.^{xxxiv}

Pretrial Release Examples

Santa Cruz County

Over the past years, Santa Cruz County through a collaboration with the Probation Department and the Sheriff's Department, has been continuously working to improve its pretrial services including the establishment of the Pretrial Services Unit (PST). The unit is comprised of four pretrial probation deputies stationed in the jail to help expedite the pretrial release process, resulting in the majority of those released spending less than a day in jail^{xxxv}.

Santa Cruz's pretrial supervision program allows certain higher-risk individuals to be managed in the community pending their court hearing. In fact, a large number of individuals are arrested on drug charges in Santa Cruz. Thus, those that are not released with a citation or on their own recognizance are released to pretrial supervision

San Francisco

San Francisco established the San Francisco Pretrial Diversion Project, Inc. (SFPDP), a non-profit agency that operates nine different pretrial programs driven by best practices. Such programs include:

- Own Recognizance (OR): Eligible in-custody defendants are interviewed and have their cases presented to a judicial officer for possible release on their own recognizance.
- Supervised Pretrial Release (SPR): Defendants that are not eligible for OR and/or cannot post bail are issued to SPR. SPR is a conditional release program in which client compliance is closely supervised by staff^{xxxvi}.
- Court Accountable Homeless Services (CAHS): This program provides intensive supervision with the goal of addressing chronic homelessness and ensuring court appearances through intensive case management.
- Electronic Monitoring (EM): Electronic monitoring allows the remote supervision of individuals that otherwise would be in custody. Case managers work closely with monitored individuals on employment, education, therapy, and family needs.



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The non-profit agency uses the Public Safety Assessment (PSA) on all individuals booked into the county jail in order to determine the most suitable recommendations to the Superior Court. San Francisco's robust pretrial services allows, on a daily basis, approximately 1,000-1,500 individuals to be in a supervised release program, such as the Supervised Pretrial Release Program and electronic monitoring, rather than in custody^{xxxvii}.

Pretrial Release and Supervision in Contra Costa County

Contra Costa County has placed emphasis on developing formalized partnerships between the Office of the Public Defender, Probation, the Sheriff's Department, and the District Attorney's Office in order to decrease the pretrial in-custody population. Through this collaboration, the County has increased communication amongst the key players of the County's criminal justice system as well as developed the cross-departmental Pretrial Services (PTS) and Arraignment Court Early Representation (ACER) program. PTS supports reducing pretrial detention by providing judges with greater information by using a modified version of the Virginia Pretrial Risk Assessment Instrument (VPRAI).

As part of the program design, two public defender legal assistants staff the in custody arraignment courts whom screen all defendants for initial PTS eligibility and conduct preliminary interviews of those who are eligible for screening. This preliminary information is provided to a probation officer, who then assesses the defendant's risk of reoffending or failure to appear in court. Additionally, ACER ensures the presence of attorneys at defendants' initial court appearances and is intended to increase the likelihood that appropriate defendants will be released on their own recognizance (OR) for the duration of the court process and allow for the expedited resolution of cases. Individuals who are released into the Pretrial Services Program, are then supervised by deputies from the Probation Department at various levels base

Together, the PTS and ACER program facilitate both pretrial releases and early case resolution, resulting in a reduced pretrial in-custody population.



Charging Practices and Enhancements

There is no established body of research or best practices on charging practices or enhancements. There is, however, a body of research demonstrating that sentencing enhancements are one of many types of racially neutral laws that have racially disparate impact. In particular, researchers with the Sentencing Project identified drug-free school zone laws and “habitual offender laws,” such as “Three Strikes” laws as leading to disparate outcomes for people of color, especially Blacks.^{xxxviii}

In order to limit the disparate impact of these laws on people of color, some jurisdictions have made the proactive decision not to enhance certain offenses or to apply habitual offender laws under certain circumstances, these include the San Francisco District Attorney’s Office and the Brooklyn District Attorney’s Office.



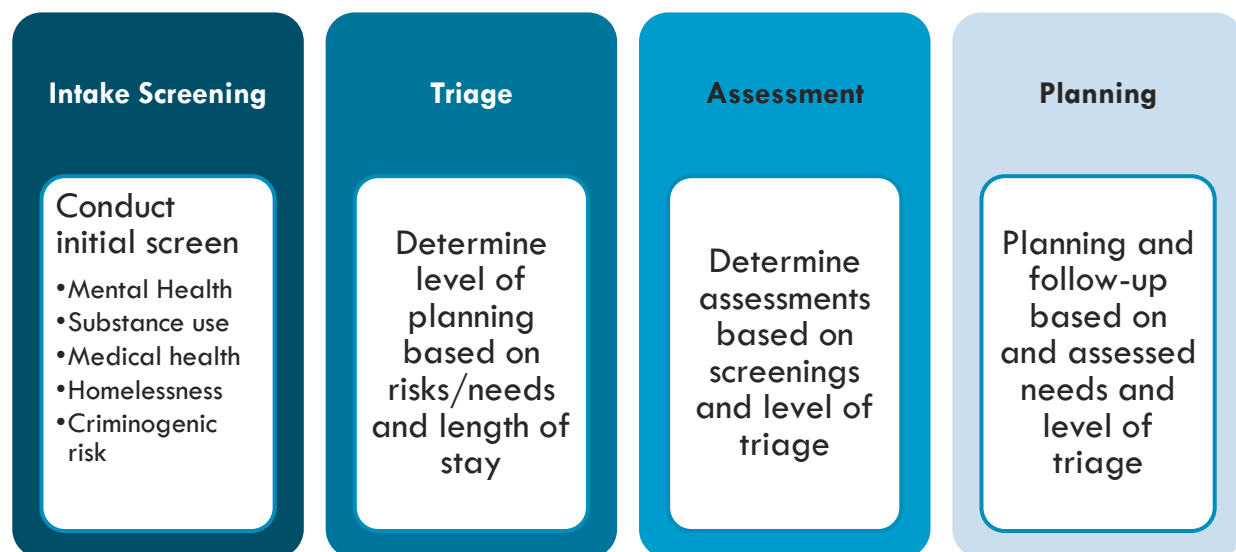
In-Custody Programming

It is imperative to provide pre-release planning and an array of services for individuals who are incarcerated in order to support their rehabilitation, and increase their likelihood of successfully reintegrating into the community. In addition, all County's should operate custody alternative programs to allow individuals who pose a minimum public safety risk to be released under supervision.

Pre-release Planning ^{xxxix xl}

An examination of best practices in pre-release planning and in-custody programming indicates that there are four key steps that should begin at intake to support individuals who are incarcerated, with additional case management and follow up implemented on an as-needed basis (See Figure 1 below).

Figure 1: Key Steps in Pre-release Planning Process



Intake Screening

Intake screening is used to help determine the extent to which individuals who are incarcerated have needs such as medical, mental health, substance abuse, employment, and housing, among other needs and criminogenic risks. Initial screenings allow the jail staff and reentry team to see the big picture of the County's incarcerated population's needs and trends, in addition to helping identify each individual's needs and necessary level of support so that they are triaged appropriately.

Triage

As noted above, intake screenings allow the reentry team to triage individuals who are incarcerated into specific tracks and determine the level of planning necessary for each individual based on their needs and criminogenic risks. By matching reentry strategies to individual needs and grouping individuals into various tracks, the reentry team can be as efficient and cost-effective as possible in their use of limited and valuable resources.



Assessment

Once each individual has been triaged, more in-depth assessments should be administered to individuals based upon the results of their initial screenings, if at all possible. For instance, individuals with identified mental health and/or substance use needs should be given proper assessments by qualified professionals so that they can develop treatment plans while they are in custody.

Planning

Finally, after individuals have been triaged and received necessary assessments, each individual should receive case management services whereby a case manager works with them to develop an individualized case plan to help meet their needs while they are in custody, reduce their criminogenic risks, and make smooth handoffs to out of custody services upon release.

Program Availability

A range of in-custody services should be available for individuals who are incarcerated in order to support their rehabilitation and increased their likelihood of successfully reintegrating into the community. At a minimum these services must include adequate physical health, mental health, substance use, education, and employment services. Additionally, services such as benefits enrollment, cognitive behavior therapy, anger management, legal services, family reunification, and mentoring services, among others, should be provided in-custody to support rehabilitation.

Custody Alternative Programs ^{xli}

All County's should operate custody alternative programs to allow individuals who pose a minimum public safety risk to be released under supervision. Two of the most common programs that are implemented across the state are home detention and work release programs. Home detention programs require offenders to serve sentences in specific residential locations. Most home detention programs require participants to be monitored by electronic or GPS devices. While these are two common models, counties can develop their own program rules and criteria.

In-custody Programming in Contra Costa County

Contra Costa County worked with RDA to develop a pre-release planning pilot program plan, and has recently implemented a pre-release planning pilot program in the County. In addition, while there are various services available across the County's three jails, Marsh Creek Detention Facility, West County Detention Facility, and Martinez Detention Facility, space and time constraints limit access to programs and services across facilities, especially at Martinez Detention Facility. Finally, the County's Custody Alternative Facility allows individuals who are low risk to public safety to be released from custody and supervised by deputy officers from the Sheriff's Office.



Reentry Programming

In order to provide the reentry population support to avoid further penetration into the justice system, it is imperative for an accessible suite of services to be in place. Structured partnerships should exist with service providers who help to address, at a minimum, the following needs:

- ❖ Physical health
- ❖ Mental health
- ❖ Trauma/PTSD
- ❖ Substance use
- ❖ Housing
- ❖ Education/workforce development
- ❖ Employment
- ❖ Legal aid
- ❖ Family support/reunification
- ❖ Benefits
- ❖ Mentorship
- ❖ Criminal thinking
- ❖ Transportation
- ❖ Positive youth development

Probation departments should map all community based service providers and treatment programs that exist in the community,^{xliii} and assess the quality of community-based programs for their ability to address risks and needs so that they have a clear understanding of the availability and quality of services available to support the reentry population.

Collaborative Partnerships

Probation departments should establish formal, structured partnerships with high-quality programs utilizing evidence-based and best practices.^{xliii} The extent to which agencies provide culturally competent services and supports around race, ethnicity, gender, religion, sexual identification, language, age, and geographic neighborhood should be prioritized. Bi-directional feedback and communication should exist with all partners in order to help to reduce duplicative efforts, and remove barriers to success for clients under community supervision.^{xliv}

Community Involvement

Communities where justice involved individuals live benefit when probation departments have a positive effect on the individuals they serve. As such, probation departments should look to cultivate community resources and build partnerships wherever appropriate. Probation departments should collaborate with community members to develop community-based continuums of care that leverage stakeholder input and meet the needs of the community.

To support developing community informed community-based continuums of care, probation leadership and staff should create community stakeholder groups or advisory panels to inform community members of probation's work and learn from neighbors what challenges and opportunities exist in their home communities. In this way, probation can engage with indigenous supports, business associations, neighborhood organizations, faith leaders, and local service providers, and become more familiar with the types of services, supports, and opportunities that are available within the community.



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This enables probation departments to better link clients to useful opportunities and partner with local stakeholders to advocate for and create services and supports that are missing.^{xlv}

Reentry Programming Examples

New York City

In New York City, each borough has an Assistant Commissioner who oversees all operations within the borough. In order to strengthen relationships with local community residents and organizations, each Assistant Commissioner established a community-planning steering committee that included, at minimum, a religious leader, a local business owner, a law enforcement representative, and formerly incarcerated individuals and their family members. The Assistant Commissioner identified stakeholders to join the steering committee and worked with them to assess local needs, identify the types of programs and services to bring into the community, develop and score RFPs, and assess the effectiveness of intervention strategies. The community planning steering committees played important roles in developing programming and services, and through this community-involved process, the New York City Department of Probation built stronger relationships in the communities they serve.

In addition to involving the community in the development of a community based continuum of care, in New York City there is an effort to formally partner with individuals with a history of incarceration or offending who have now committed to supporting the community and its young people. NYC DOP contracts with nonprofit organizations in targeted neighborhoods to provide the Arches Transformative Mentoring program (Arches) designed to meet young people where they are in the process of pro-social engagement. Arches operates in each borough in New York City. Core components of Arches include:

- ❖ A group process where mentors and participants become an important support system;
- ❖ Cognitive based interventions utilizing interactive journaling;
- ❖ Mentors who are on call, available 24/7, and doing “whatever it takes” to support youth;
- ❖ A positive youth development approach; and
- ❖ A paid stipend.^{xlvi}

The group process is the core component of Arches, and mentors are paid for working with participants and mentees receive stipends for each group session completed. Group sessions target critical thinking, behavioral issues, difficult feelings, and peer associations, all of which are important criminogenic needs. Arches also connect participants to educational, vocational, and therapeutic programs when needed. Additionally, the program takes youth on field trips to college, skiing, and other places and experiences to which they may not have been exposed.^{xlvii}

Reentry Programming in Contra Costa County

Reentry programming in Contra Costa County is provided regionally, with the Reentry Success Center serving West County and HealthRIGHT360 delivering services under the Central-East Network of Services, also known as The Network.



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The Reentry Success Center provides services to individuals and families impacted by incarceration, helping to plan critical next steps after contact with police or courts. The Success Center offers the following services:

- ❖ Family Services
- ❖ Financial Planning and Assistance
- ❖ Education & Training
- ❖ Employment Assistance
- ❖ Health & Wellness
- ❖ Housing Assistance
- ❖ Legal Services
- ❖ Public Benefits (such as Medi-Cal and CalFresh)^{xlviii}

HealthRIGHT360 oversees The Network, which “functions as a service-delivery infrastructure offering reentry services to local county residents returning home from state prison and County Jails (Returning Citizens) through a partnership between the county’s Probation Department, community and faith-based organizations, the Reentry Success Center in Richmond, local law enforcement, volunteers and other county agencies. The Network is dedicated to providing integrated, whole-person care designed to optimize successful outcomes and to reduce recidivism. Core services include Transitional Housing, Substance Use Disorder and Mental Health linkages, Peer Mentoring, System Navigation, Educational Opportunities, Vocational Preparation and Placement, Family Reunification and Legal Aid.”^{xlix}

Across the County, AB 109 funding supports a range of services and supports for any individual with a history of justice system involvement.

The County is also in the process of revising its reentry strategic plan through a community-engagement and planning process.



Jury Selection

Fair and representative jury pools protect not only the rights of criminal defendants, but also the entitlement of all residents of California to participate in the jury system. Therefore it is imperative to have jury pools that include as close to 100% of the jury-eligible population (broadly defined as meeting the following qualifications: citizenship, residency in the community, age (18 or older), English proficiency, and mental competency) as possible, and that are representative of the community both geographically and demographically.ⁱ

Master Jury Lists

To support the development of fair and representative jury pools, before selecting a jury courts should construct a master list of eligible jury members that are geographically and demographically representative of the community and accurate with respect to the names and addresses of potential jurors.ⁱⁱ In order to generate master jury lists which are geographically and demographically representative of the community, courts should not rely on only one source list (e.g., list of registered voters, list of licensed drivers); rather, courts should rely on multiple source lists, including lists such as persons receiving unemployment compensation and/or persons receiving public welfare benefits. By using multiple source lists, courts will increase the likelihood that their master lists are inclusive and representative of the community, and ensure that jury service is more evenly distributed across the jury-eligible population.ⁱⁱⁱ

The National Center for State Courts recommends that master jury lists include at least 85% of the jury-eligible population, and that they be updated every 1 to 6 months.

Other Strategies for Achieving Jury Representativeness

In addition to increasing the number of reliable source lists and frequently renewing the master jury list, other policies that have been suggested to improve jury representativeness include:

- ❖ Addressing non-responsive jurors through effective enforcement;
- ❖ Minimizing the length of time jurors serve; and
- ❖ Increasing compensation.

While many courts apply “suppression files” which prevent the selection of records for individuals known to be currently ineligible for jury duty, the NCSC recommends using suppression files with



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extreme caution, as they often have unintended consequences that result in the systematic underrepresentation of certain populations.^{liii}

Jury Selection Examples

New York^{liv}

New York has adopted what has been referred to as “the gold standard for achieving representativeness” in jury selection. Their master jury list includes five source lists, including lists of registered voters, licensed drivers, income tax filers, persons receiving unemployment benefits, and persons receiving public welfare benefits. In addition the court has implemented multiple follow-up mailings to reduce non-response, higher jury pay than that of other states, a one-day one-trial policy, and allowing summoned jurors an automatic postponement to a convenient date, when necessary.

Jury Selection in Contra Costa County

Contra Costa County uses a master jury list created by combining a list of all registered voters as well as persons who have a valid driver’s license or identification card issued by the Department of Motor Vehicles. In order to minimize burden, and reduce unproductive waiting time and the potential for lost income of jurors, Contra Costa County employs a One day/One Trial system.^{lv} Under this system, individuals are typically assigned to jury selection after one day at the courthouse, and then their service is complete for at least 12 months.^{lvi}

ⁱ <http://criminal.findlaw.com/criminal-procedure/deferred-adjudication-pretrial-diversion.html>

ⁱⁱ <https://www.justice.gov/usam/usam-9-22000-pretrial-diversion-program>

ⁱⁱⁱ <http://criminal.findlaw.com/criminal-procedure/deferred-adjudication-pretrial-diversion.html>

^{iv} <https://www.bja.gov/Publications/PretrialDiversionResearchSummary.pdf>

^v <https://www.urban.org/sites/default/files/publication/24021/412919-The-Choice-is-Yours-Early-Implementation-of-a-Diversion-Program-for-Felony-Offenders.PDF>

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^{xii} Urban Institute, and Maclanahan and Associates’ “The Choice is Yours: Early Implementation of a Diversion Program for Felony Offenders.”

^{xiii} <http://www.sfpretrial.org/about/>

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^{xvi} <http://www.cc-courts.org/civil/docs/grandjury/1510Report.pdf>



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- ^{iv} http://defendermanuals.sog.unc.edu/sites/defendermanuals.sog.unc.edu/files/pdf/6.6_0.pdf
- ^{iv} <http://www.cc-courts.org/jury/general.aspx>
- ^{lvi} <http://www.courts.ca.gov/documents/jurysys.pdf>